

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Sean MacNeil (Respondent) was been the Chief of Staff to California State Senator Pat Wiggins from 2006 -2010. He is currently the Chief of Staff to Assembly Member Michael Allen. As a Chief of Staff of a Member of the Legislature, Respondent is required to file an annual Statement of Economic Interests (SEI) disclosing all income received as provided in Government Code Section 87302.

In this matter, Respondent received \$2,000 in income from the Friends of Pat Wiggins for State Senate 2010 campaign committee in March 2007 and failed to report this income on his 2007 annual SEI.

For the purposes of this Stipulation, Respondent's violation of the Political Reform Act is stated as follows:

- COUNT 1 Respondent failed to report \$2,000 in income received from the Friends of Pat Wiggins for State Senate 2010 campaign in March 2007 on his 2007 annual Statement of Economic Interests, in violation of Section 87302 of the Act.

### **SUMMARY OF THE LAW**

#### **Duty to File Annual Statement of Economic Interests**

Every agency shall adopt and promulgate a Conflict of Interest Code. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter. Government Code Section 87300

#### **Duty to Report Income on Annual Statement of Economic Interests**

Each Conflict of Interest Code shall require that each designated employee file annual statements, disclosing reportable investments, business positions, interests in real property and income. Government Code Section 87302

### **SUMMARY OF THE FACTS**

Respondent Sean MacNeil (Respondent) was been the Chief of Staff to California State Senator Pat Wiggins from 2006 -2010. He is currently the Chief of Staff to Assembly Member Michael Allen. As a Chief of Staff of a Member of the Legislature, Respondent is required to file

an annual Statement of Economic Interests (SEI) disclosing all income received as provided in Government Code Section 87302.

Respondent filed an annual SEI for calendar year 2007 by the April 1, 2008 deadline. He did not report \$2,000 in income received from the Friends of Pat Wiggins for State Senate 2010 campaign committee on his calendar year 2007 SEI.

### **COUNT 1**

#### **FAILING TO DISCLOSE INCOME ON A STATEMENT OF ECONOMIC INTERESTS**

Respondent was at all relevant times the Chief of Staff for California State Senator Pat Wiggins. As a public official, Respondent was required to file an annual Statement of Economic Interests disclosing all income received. By failing to report \$2,000 in income received from the Friends of Pat Wiggins for State Senate 2010 campaign in March 2007 on his 2007 annual Statement of Economic Interests, Respondent violated Section 87302 of the Act.

### **CONCLUSION**

This matter consists of one count of violating the Act carrying a maximum administrative penalty of \$5,000.

In determining the appropriate penalty for a particular violation of the Act, the Enforcement Division considers the typical treatment of a violation in the overall statutory scheme of the Act, with an emphasis on serving the purposes and intent of the Act. Additionally, the Enforcement Division considers the facts and circumstances of the violation in context of the factors set forth in Regulation 18361.5, subdivision (d)(1)-(6): the seriousness of the violations; the presence or lack of intent to deceive the voting public; whether the violation was deliberate, negligent, or inadvertent; whether the Respondent demonstrated good faith in consulting with Commission staff; and whether there was a pattern of violations.

For Count 1, failing to disclose income on an annual SEI, this can be a serious violation of the Act as it deprives the public of knowledge about sources of income to a public official and potential conflicts of interest. The administrative penalties for a violation of Section 87302 have ranged from the low to mid range of available penalties.

### **FACTORS IN AGGRAVATION**

Respondent has a prior history of violating the Act. In FPPC No. 2002/271, Respondent was fined by the Commission in 2005 for signing two statements of economic interest for then-Assembly Member Pat Wiggins for which he was not the filer. Specifically, he signed then-

Assembly Member Wiggins' name to what he purported to be her annual SEI filing. When the FPPC returned the initial filing because it was signed by Respondent, not then-Assembly Member Wiggins, Respondent then signed the form again and re-submitted it. He was fined \$4,000 for two counts of this violation.

#### **FACTORS IN MITIGATION**

None.

#### **PENALTY**

The facts of this case, including the aggravating and mitigating factors discussed above, justify imposition of the agreed upon penalty of Two Thousand Dollars (\$2,000).